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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA,**

AXS GROUP LLC,

Plaintiff,

v.

INTERNET REFERRAL SERVICES,
LLC, EVENT TICKETS CENTER,
INC., VERIFIED-TICKET.COM,
AMOSA.APP, and SECURE.TICKETS,

Defendants.

Case No. 2:24–CV–00377 CAS (EX)

**EX PARTE APPLICATION FOR
AND MEMORANDUM IN
SUPPORT OF AN ORDER
GRANTING LEAVE FOR
EXPEDITED DISCOVERY**

EX PARTE APPLICATION

Plaintiff AXS Group LLC (“Plaintiff” or “AXS”) applies *ex parte* for an Order granting leave for expedited discovery (the “Order”).

Defendants operate third-party ticket retail platforms and/or delivery services. Collectively, Defendants market, advertise, sell, display, distribute, and deliver to consumers digital tickets that purport to be authentic AXS digital tickets. In reality, though, some of the supposed “genuine” AXS digital tickets sold and distributed by Defendants are counterfeits. These counterfeit tickets bear Plaintiff’s trademarks

1 and, on information and belief, were created, in whole or in part by one or more of
2 the Defendants illicitly accessing and then mimicking, emulating, or copying
3 elements of the AXS App, without Plaintiff's permission or consent.

4 Plaintiff seeks expedited discovery from each Defendant to identify each
5 domain operated by Defendants and used to market, sell, or distribute counterfeit
6 tickets, the sales and customers of each Defendant, communications between the
7 Defendants, and the sources of Defendants' counterfeit tickets. This information is
8 needed to support Plaintiff's pending Motion for Preliminary Injunction.

9 Further, because Defendant Verified-Ticket.com ("Verified.Ticket"),
10 Defendant Amosa.app ("Amosa"), and Defendant Secure.Tickets, who each sell
11 and/or distribute counterfeit AXS tickets, are associated with no known physical
12 location and have concealed the true identity of their owners, AXS seeks expedited
13 discovery from these Defendants and through Rule 45 subpoenas to third party
14 domain registrars to ascertain the true identities of the individuals or entities
15 associated with these Defendants. This information is needed to identify the relevant
16 parties and serve them. As set forth below, AXS has established good cause for
17 seeking this relief.

18 In support, AXS submits this Application, the attached Memorandum of Points
19 and Authorities, the supporting Declaration of J. Michael Keyes ("Keyes Decl."),
20 AXS's concurrently filed Motion for Preliminary Injunction and its Memorandum of
21 Points and Authorities in support thereof, and further relies upon its Verified
22 Complaint, the contents of the Court's file to date, and such further evidence and
23 argument as may be presented at the hearing, if any, on this Application.

24 For the reasons set forth below, the requested relief is warranted under the
25 Copyright Act, Lanham Act, and under Federal Rules of Civil Procedure 4, 64, and
26 65.

27 AXS is unable to conduct a pre-filing conference of counsel under Local
28 Rule 7-3 because at this time AXS is unaware of the true names or identities of

1 Defendants Verified-Ticket.com, Amosa.app, and Secure.Tickets let alone their
2 counsel.

3 AXS has made a good faith effort to advise of this Application, and has
4 provided reasonable notice under the circumstances to each known Defendant. *See*
5 Declaration of J. Michael Keyes (“Keyes Decl.”) ¶¶ 6-7. AXS is unaware at the time
6 of filing of any opposition to the application. *Id.* ¶ 8.

7
8 Dated: January 17, 2024

DORSEY & WHITNEY LLP

9
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff AXS Group LLC (“AXS” or “Plaintiff”) provides proprietary ticketing software and services through its website and mobile application (the “AXS Platform”). Verified Complaint (“Compl.”) ¶ 2. AXS utilizes the AXS Platform to market, sell, and distribute digital tickets on behalf of its clients and delivers tickets to end users customers who purchase AXS tickets. *Id.* As set out in AXS’s Verified Complaint, the tickets purchased through the AXS Platform are branded with AXS’s trademarks. *See* Compl. ¶ 30. Plaintiff also owns valid and subsisting copyrights in the mobile application (the “AXS App”), which extends to the user interface as well as the digital tickets created by the AXS Platform. *Id.* ¶¶ 44-47.

Defendants operate third-party ticket retail platforms and/or ticket delivery services. Collectively, Defendants market, advertise, sell, display, distribute, and deliver to consumers digital tickets that purport to be authentic AXS digital tickets. *Id.* ¶ 7. In reality, the digital tickets sold and delivered by Defendants from their email accounts or websites are counterfeits. These counterfeit tickets bear AXS’s registered trademarks, reproduce or recreate protected elements of AXS’s copyright protected works, and, on information and belief, were created, in whole or in part by one or more of the Defendants illicitly accessing and then copying the AXS App, without AXS’s permission or consent. *E.g., id.* This illegal activity is causing disruption to AXS’s business and its clients’ business and negatively impacting AXS’s goodwill and reputation in the marketplace. *See id.* ¶ 8. It is also harming consumers who purchase these counterfeit AXS tickets without knowing that they are fake and many of whom are then denied access to the event. *See id.*

AXS has separately moved for a preliminary injunction. *See* Motion for Preliminary Injunction, filed concurrently herewith, (“Motion for Preliminary Injunction”). As set forth in the Motion for Preliminary Injunction, these counterfeit digital tickets bear Plaintiff’s AXS trademarks and emulate, mimic, or copy

1 numerous protected elements of Plaintiff's copyrights. Motion for Preliminary
 2 Injunction at 5-8. By this Application, AXS seeks an additional order granting leave
 3 for limited expedited discovery.

4 **II. STATEMENT OF FACTS**

5 Defendant Verified-Ticket sells, facilitates participates in, allows, or is
 6 otherwise complicit in delivering counterfeit AXS tickets to unsuspecting consumers
 7 in active concert with, at least, the online platforms operated by Defendants Internet
 8 Referral Service LLC ("IRS") and Event Tickets Center, Inc. ("ETC"). Compl.
 9 ¶¶ 54-64. Defendant Verified-Ticket operates through the domain name verified-
 10 ticket.com. *Id.* ¶ 13. The "Whois"¹ report for Verified-Ticket.com indicates that
 11 Google LLC acted as the domain registrar for Verified-Ticket.com, but the contact
 12 information provided is a proxy called "Contact Privacy Inc. Customer
 13 7151571251." *Id.* Exh. A. Customer Privacy Inc.'s Terms of Service indicate that
 14 the Customer number is "an individual customer identification number which is
 15 unique per domain name" and "appear[s] as the Registrant and Contacts name(s)" on
 16 Whois reports when a customer chooses to use Customer Privacy Inc.'s "Whois
 17 Privacy Service." *See* Keyes Decl. Exh. 1 at 1. Accordingly, on information and
 18 belief, "Customer 7151571251" is a pseudonym for the individual or entity who owns
 19 and operates verified-ticket.com. Compl. ¶ 13. The Terms of Service also indicate
 20 that Contact Privacy Inc. will only disclose the identity and contact information of
 21 their customers in limited circumstances, including "when required by law" or "to
 22 comply with a legal process" served on Customer Privacy Inc. Keyes Decl. Exh. 1
 23 at 2.

24 Defendant Amosa.app ("Amosa") operates a digital ticket retail and/or

25 ¹ Whois is "a domain lookup [that] allows you to trace the ownership and tenure of a
 26 domain name" and its reports contain "details such as the registration date of the
 27 domain name, when it expires, ownership and contact information, nameserver
 28 information of the domain, the registrar via which the domain was purchased, etc."
See WHOIS, Frequently Asked Questions, <https://www.whois.com/whois/> (last
 accessed October 30, 2023).

1 delivery service through the domain name amosa.app and the sub-domain
 2 axs.amosa.app. Compl. ¶ 14. Similar to the other Defendants, Amosa is engaged in
 3 a scheme to create and/or sell and distribute counterfeit AXS digital tickets. *Id.*
 4 ¶¶ 82-88. The Whois report for Amosa reveals that Dynadot LLC acted as the
 5 registrar, but the contact information provided therein is “Redacted for Privacy.” *Id.*
 6 ¶ 14 Exh. B. The true identity of the individual or entity that owns and operates
 7 Defendant Amosa is unknown to AXS at this time. *Id.* ¶ 14. Dynadot LLC has a
 8 “Subpoena Policy” which provides that “Dynadot, LLC will not release customer
 9 information or account information” and “if you seek user or account information of
 10 a Dynadot customer in connection with a civil legal matter, you must personally serve
 11 [Dynadot] with a valid subpoena.” *See* Keyes Decl. Exh. 2 at 1.

12 Defendant Secure.Tickets operates a digital ticket retail and/or delivery service
 13 through the domain name secure.tickets. Compl. ¶ 15. Secure.Tickets is engaged in
 14 a scheme to create and/or sell and distribute counterfeit AXS digital tickets. *Id.*
 15 ¶¶ 89-94. The ICANN report for Secure.Tickets reveals that Namecheap, Inc. acted
 16 as the registrar and that the contact information for Secure.Tickets is “Redacted for
 17 Privacy.” *Id.* ¶ 15 Exh. C. The true identity of the individual or entity that owns and
 18 operates Secure.Tickets is unknown to AXS at this time. *Id.* ¶ 15. Namecheap Inc.
 19 has a “Court Order & Subpoena Policy” providing that it “will not share customer or
 20 account information . . . except under limited circumstances when required by law or
 21 legal process properly served on Namecheap.” *See* Keyes Decl. Exh. 3 at 1.

22 Because each of these third party registrars will not disclose their customer’s
 23 identity or contact information absent a subpoena, Plaintiff requires expedited
 24 discovery to subpoena each registrar and identify the companies or individuals
 25 behind Defendants Verified-Tickets, Amosa, and Secure.Tickets.

26 Plaintiff also believes that all five Defendants may operate additional ticket
 27 retail platforms, the identities of which are unknown to Plaintiff (Compl. ¶¶ 11-15),
 28 and that the Defendants are engaged in a conspiracy to create, sell, and distribute

Counterfeit Tickets. *Id.* ¶¶ 150-56. To support its pending Motion for Preliminary Injunction, Plaintiff seeks expedited discovery to identify each domain operated by Defendants, the sales and customers of each Defendant, communications between the Defendants, and the sources of Defendants' Counterfeit Tickets.

III. LAW & ARGUMENT

Courts within the Ninth Circuit use the "good cause" standard to examine early discovery requests and base their decisions "on the entirety of the record to date and the reasonableness of the request in light of all the surrounding circumstances." *Semitool, Inc. v. Tokyo Electron Am., Inc.*, 208 F.R.D. 273, 275 (N.D. Cal. 2002) (quoting *Merrill Lynch, Pierce, Fenner & Smith, Inc. v. O'Connor*, 194 F.R.D. 618, 624 (N.D. Ill. 2000)).² Courts routinely find that good cause exists to grant plaintiffs leave to take early discovery,³ and good cause may be found "where the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party." *See In re Countrywide Fin. Corp Derivative Litig.*, 542 F. Supp. 2d 1160, 1179 (C.D. Cal. 2008) (quotation omitted).

Good cause is frequently found in cases involving claims of infringement and unfair competition. *See Semitool*, 208 F.R.D. at 276 (citation omitted); *see also UMG*

² *See also G.N. Iheaku & Co. v. Doe*, No. C 14-02069 LB, 2014 U.S. Dist. LEXIS 82540, at *5 (N.D. Cal. June 17, 2014) (collecting cases); *Apple Inc. v. Samsung Elecs. Co.*, 768 F. Supp. 2d 1040, 1044 (N.D. Cal. 2011); *Interserve, Inc. v. Fusion Garage PTE, Ltd.*, No. C 09-05812 JW (PVT), 2010 U.S. Dist. LEXIS 6395, at *4-5 (N.D. Cal. Jan. 7, 2010); *UMG Recordings, Inc. v. Does*, No. 06-0652 SBA (EMC), 2006 U.S. Dist. LEXIS 32821, at *1-2 (N.D. Cal. Mar. 6, 2006); *Arista Records LLC v. Doe*, No. 07-cv-2357-LAB (POR), 2007 U.S. Dist. LEXIS 97774, at *3-4 (S.D. Cal. Dec. 20, 2007); *Hard Drive Prods., Inc. v. Doe*, No. C 11-03825 HRL, 2012 U.S. Dist. LEXIS 45509, at *6-7 (N.D. Cal. Mar. 30, 2012).

³ *See UMG Recordings, Inc. v. Doe*, No. C 08-1193 SBA, 2008 U.S. Dist. LEXIS 79087, at *10-11 (N.D. Cal. Sept. 2, 2008) (granting expedited discovery in copyright infringement case: "[i]n Internet infringement cases, courts routinely find good cause exists to issue a Rule 45 subpoena to discover a Doe defendant's identity, prior to a Rule 26(f) conference, where a plaintiff makes a *prima facie* showing of infringement, there is no other way to identify the doe defendant, and there is a risk an [internet service provider] will destroy its logs prior to the conference."); *Arista Records*, 2007 U.S. Dist. LEXIS 97774, at *3-4; *UMG Recordings*, 2006 U.S. Dist. LEXIS 32821, at *1-2.

1 *Recordings*, 2008 U.S. Dist. LEXIS 79087, at *10-12 (collecting cases).
 2 Additionally, the good cause standard may be satisfied where, as here, a party seeks
 3 discovery relating to a preliminary injunction. *See Am. LegalNet, Inc. v. Davis*, 673
 4 F. Supp. 2d 1063, 1066 (C.D. Cal. 2009); *Qwest Comms. Int’l, Inc. v. Worldquest*
 5 *Networks, Inc.*, 213 F.R.D. 418, 419 (D. Colo. 2003); *see also El Pollo Loco, S.A. de*
 6 *C.V. v. El Pollo Loco, Inc.*, 344 F. Supp. 2d 986, 991 (S.D. Tex. 2004) (“Expedited
 7 discovery [is] appropriate in cases involving preliminary injunctions or challenges to
 8 personal jurisdiction.”).

9 **A. Expedited Discovery has been Found Particularly Appropriate in**
 10 **Analogous Trademark Actions**

11 Courts have recognized that expedited discovery is particularly appropriate in
 12 cases of trademark infringement. *See Sas v. Sawabeh Info. Servs. Co.*, No. CV 11-
 13 04147 GAF (MANx), 2011 U.S. Dist. LEXIS 161041, at *22 (C.D. Cal. May 17,
 14 2011) (“Expedited discovery should be granted when some unusual circumstances or
 15 conditions exist that would likely prejudice the party if he were required to wait the
 16 normal time. Such prejudice is frequently the case where a well-known trademark
 17 has been counterfeited and the sources or purchasers of the counterfeit products
 18 are unknown to plaintiff.”) (quoting *Fimab-Finanziaria Maglificio Biellese Fratelli*
 19 *Fila S.p.A. v. Kitchen*, 548 F. Supp. 248, 250 (S.D. Fla 1982) (internal alterations
 20 omitted))).⁴ In addition, plaintiffs in this Circuit have obtained expedited discovery
 21 from third parties to determine the extent of a defendant’s sales of infringing goods.
 22 *See Speculative Prod. Design, LLC v. Deandrade*, No. CV 13-4311-GW (JCGx),
 23 2014 WL 12603206, at *1 (C.D. Cal. Feb. 13, 2014). Here, the allegations in AXS’s

24 ⁴ *See also SATA GmbH & Co. KG v. Wenzhou New Century Int’l, Ltd.*, No. CV 15-
 25 08157-BRO (Ex), 2015 U.S. Dist. LEXIS 147637, at *15-16 (C.D. Cal. Oct. 19,
 26 2015) (finding good cause for expedited discovery in counterfeit case); *Hand & Nail*
 27 *Harmony, Inc. v. ABC Nail & Spa Prods.*, No. CV 16-0969-DOC (JEMx), 2016
 28 U.S. Dist. LEXIS 82147, at *24 (C.D. Cal. June 14, 2016) (finding good cause to
 expedite discovery in counterfeit case, “so as to aid and enable Plaintiffs to present
 this Court with a full record regarding both the nature and scope of the counterfeiting
 activity, including the involvement of each named defendant and other persons and
 entities conspiring to counterfeit [the] goods.”).

1 Complaint are closely analogous to those in the above-cited actions directed at
 2 trademark counterfeiting and unfair competition and expedited discovery should be
 3 granted for the same reasons.

4 **B. Expedited Discovery is Needed to Ascertain the Identities of**
 5 **Defendants Verified-Ticket, Amosa, and Secure.Tickets**

6 The need for prompt identification of defendants who conduct business on the
 7 internet—such as Defendants Verified-Ticket, Amosa, and Secure.Tickets in this
 8 action, who have concealed their true identities—provides sufficient foundation for
 9 limited expedited discovery.

10 In *Marketo, Inc. v. Doe*, the court found good cause for expedited discovery
 11 where the plaintiff sought to issue a subpoena to a third-party domain registrar to
 12 learn the true identity of the owners of a website selling allegedly infringing email
 13 templates. No. 18-cv-06792-JSC, 2018 U.S. Dist. LEXIS 197169 (N.D. Cal.
 14 Nov. 19, 2018). In granting the plaintiff’s motion the district court noted that,
 15 “[u]ltimately, granting early discovery to permit Plaintiff to identify the Doe
 16 Defendant appears to be the only way to advance this litigation.” *Id.* at *6 (citing
 17 *UMG Recordings*, 2008 U.S. Dist. LEXIS 79087, at *11). The same is true here.
 18 Because the verified-ticket.com, amosa.app, and secure.tickets websites were
 19 registered using proxy information and the registrars have policies to conceal that
 20 information absent a legal order (*see supra* Section II), Plaintiff is unable to
 21 determine who operates the websites absent a subpoena to those registrars.

22 Good cause exists for the expedited discovery on the third-party registrars. *See*
 23 *Cisco Sys. v. Wuhan Wolon Commun. Tech. Co.*, No. 5:21-cv-04272-EJD, 2021 U.S.
 24 Dist. LEXIS 137845, at *31 (N.D. Cal. July 23, 2021) (authorizing expedited
 25 discovery to determine “the true identities and contact information of the owners of
 26 the identified seller identifications and website domain”). Accordingly, Plaintiff
 27 respectfully requests that the Court permit Plaintiff to immediately issue Rule 45
 28 subpoenas to third-party domain registrars Contact Privacy Inc., Dynadot LLC, and

1 Namecheap Inc. seeking the identifications of and contact information for all
 2 individuals or entities who own and operate Defendants Verified-Ticket, Amosa, and
 3 Secure.Tickets and their respective websites.

4 **C. Expedited Discovery is Appropriate Because Plaintiff Requires it
 To Prove and Enforce its Motion for Preliminary Injunction**

5 As set forth in the Verified Complaint and the pending Motion for Preliminary
 6 Injunction, Defendants IRS, ETC, Verified-Ticket, Amosa, and Secure.Tickets are
 7 collectively marketing, displaying, selling, and distributing digital tickets that bear
 8 Plaintiff's trademarks and reproduce or recreate protected elements of Plaintiff's
 9 copyright protected works. *See e.g.*, Compl. ¶ 7. Defendants each play a role in the
 10 marketing, sale, and distribution of counterfeit tickets. For example, Plaintiff has
 11 seen instances where a ticket purchased through Defendant IRS's tickets-center.com
 12 website were delivered by Defendant Verified-Ticket. Compl. ¶¶ 58-60. However,
 13 without further discovery, Plaintiff is unable to determine exactly what actions each
 14 Defendant is performing or what role each Defendant is taking in the scheme.
 15 Accordingly, Plaintiff anticipates that one or more of the Defendants may attempt to
 16 avoid liability by asserting that it is a passive participant in the scheme, is unaware
 17 of, or has no responsibility for the marketing, offer for sale, sale, display, and
 18 distribution of the counterfeit tickets.

19 While Plaintiff has done its diligence and has submitted a Complaint detailing
 20 Defendants' respective conduct, Plaintiff respectfully requests that the Court permit
 21 Plaintiff to seek expedited discovery from any such Defendant in the form of:

- 22 1. A Rule 30(b)(6) deposition of each such Defendant limited to the
 23 following topics: (a) that Defendant's business model and role in
 24 marketing, offering for sale, selling, displaying, or distributing counterfeit
 25 tickets; (b) that Defendant's relationship, association, or affiliation with
 26 any of the other Defendants; (c) that Defendant's knowledge of the sale or
 27 distribution of counterfeit AXS tickets through its domain(s), servers, or
 28

1 other systems as set forth in the Complaint; (d) the identity of all websites
 2 or domains owned or operated by that Defendant or its affiliates which are
 3 used to market, sell, or distribute tickets; (e) the original sources of any
 4 counterfeit tickets marketed, sold, or distributed through that Defendant's
 5 websites or domains; and (f) that Defendant's knowledge of Plaintiff or its
 6 services and/or that Defendant's access to the AXS Platform.

7 2. Rule 34 Requests for Production seeking the production of documents
 8 showing: (a) the identity of that Defendant's customers of digital tickets
 9 bearing the AXS marks; (b) that Defendant's communications with each
 10 of the other Defendants relating to the marketing, sale, or distribution of
 11 digital tickets; (c) the identity of all websites or domains owned or
 12 operated by that Defendant or its affiliates which are used to market, sell,
 13 or distribute tickets; (d) the original sources of any counterfeit tickets
 14 marketed, sold, or distributed through that Defendant's websites or
 15 domains; (e) that Defendant's knowledge of Plaintiff or its services and/or
 16 that Defendant's access to the AXS Platform; and (f) evidence of that
 17 Defendant's revenue received from the marketing, sale, or distribution of
 18 digital tickets bearing the AXS Marks.

19 Courts in the Ninth Circuit routinely permit expedited discovery to enable
 20 plaintiffs to discover this type of information in association with a pending motion
 21 for preliminary injunction. *Cisco Sys.*, 2021 U.S. Dist. LEXIS 137845, at *29-30
 22 (collecting cases). Plaintiff needs the requested expedited discovery "to gather
 23 evidence for their motion for preliminary injunction to stop Defendants' infringing
 24 activities, identify other individuals and entities that are involved in counterfeiting
 25 activities with Defendants, and prevent Defendants from destroying the evidence
 26 necessary to establish their claims in the present action." *Sas*, 2011 U.S. Dist. LEXIS
 27 161041, at *23.

28 Further, the burden or prejudice on Defendants for providing this discovery is

1 negligible because Defendants will have to produce this relevant information during
2 discovery anyway. *Id.* (“[B]ecause the information sought by Plaintiff is relevant to
3 this lawsuit, Defendants are unlikely to be prejudiced by an order granting expedited
4 discovery because Defendants will likely produce this evidence during the normal
5 course of discovery.”).

6 **D. AXS Will be Prejudiced by the Denial of Expedited Discovery**

7 Despite the likelihood of success of AXS’s claims and the injury it has and
8 continues to endure, if this Court were to deny expedited discovery (even if the Court
9 were to grant AXS’s requested relief for a preliminary injunction), AXS may
10 nonetheless lose the opportunity to effectively pursue its claims against Defendants
11 because there are several aspects of Defendants’ infringing activities that AXS is not
12 yet able to confirm, including, critically, the true identities of all Defendants. *See*
13 *Keyes Decl.* ¶ 2; *Compl.* ¶ 63; *see also Admarketplace, Inc. v. Tee Support, Inc.*,
14 No. 13 Civ. 5635 (LGS), 2013 U.S. Dist. LEXIS 129749, at *5 (S.D.N.Y. Sep. 11,
15 2013) (finding that plaintiff “who has a potentially meritorious claim and no ability
16 to enforce it absent expedited discovery, has demonstrated good cause for expedited
17 discovery”).

18 Therefore, only through an order from the Court allowing expedited discovery
19 will AXS be able to fully ascertain the extent of Defendants’ infringing
20 activities. *See SATA*, 2015 U.S. Dist. LEXIS 147637, at *34-35 (granting expedited
21 discovery and finding that Plaintiff “‘needs to ascertain Defendants’ sources of the
22 Counterfeit [products] without delay and to learn of any pending shipments or
23 shipments of Counterfeit [product] en route.’ [citation omitted]. Additionally,
24 Plaintiff has shown that the discovery requested is narrowly tailored to obtain
25 information relevant and ‘essential’ for the preliminary injunction.”).

26 The discovery requested on an expedited basis in AXS’s [Proposed] Order has
27 been limited to include only that which is needed to prevent further irreparable harm.
28 AXS’s proposed expedited discovery will also assist the merits of the case at the

preliminary injunction hearing. Further, without expedited discovery, it is possible AXS will suffer a denial of evidence and information necessary for its case because evidence may be secreted, concealed, destroyed, sold off, or otherwise disposed of. *See Hand & Nail Harmony, Inc.*, 2016 U.S. Dist. LEXIS 82147, at *25. Under Fed. R. Civ. P. 65(d)(2)(C), this Court has the power to bind any third parties who are in active concert with Defendants that are given notice of the Order to provide expedited discovery. AXS respectfully submits that its request should be granted.

IV. CONCLUSION

For the reasons set forth above, AXS respectfully requests that its Application be granted *ex parte* and that the Court enter an order authorizing expedited discovery in the form of the [Proposed] Order accompanying this Application, along with an order on AXS's concurrently filed Motion for Preliminary Injunction.

Dated: January 17, 2024

DORSEY & WHITNEY LLP

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Attorneys for Plaintiff AXS Group LLC

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Plaintiff AXS Group LLC, certifies that this Memorandum of Points and Authorities contains 3,200 words, which complies with the word limit of L.R. 11-6.1

/s/ J. Michael Keyes
J. Michael Keyes, SBN 262281

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2024, a true and correct copy of the foregoing was filed electronically using the Court's CM/ECF system, which shall send notification of such filing to all counsel of record. Any counsel of record who has not consented to electronic service through the Court's CM/ECF system will be served by electronic mail.

/s/ J. Michael Keyes
J. Michael Keyes, SBN 262281